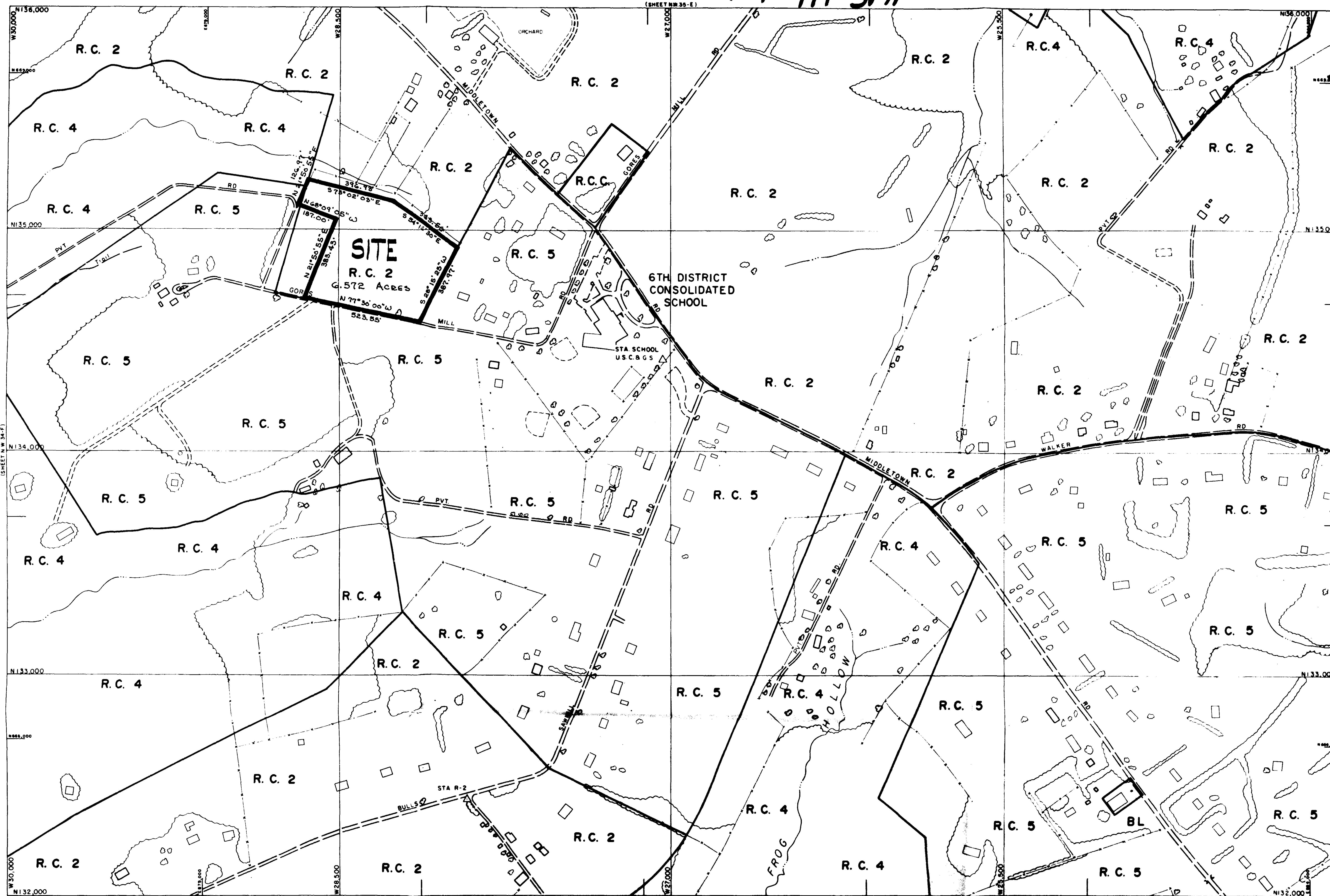


94-411 SPH



KK - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Nos. 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02

William A. Howard II
Baltimore County Council

SCALE 1" = 200' ±	LOCATION 6TH DISTRICT CONSOLIDATED SCHOOL ITEM # 395	SHEET NW 34-E
DATE OF PHOTOGRAPHY JANUARY 1986		

<p>1. All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody, watercourse, wetland, storm drain or adjacent property.</p> <p>2. In wooded areas, tree clearing is limited to 11,000 sq. ft. per lot. In general, removal of trees should be minimized.</p> <p>3. All impervious areas should be limited to 30% of cleared area and conveyed as sheet flow through vegetated areas without concentrating or causing erosion.</p> <p>4. House down spouts are to be discharged onto pervious areas or into dry wells, where feasible.</p> <p>25.) Bearings & Coordinates shown refer to recorded plat Δ 62 & 86 As stated on said plat, bearing & coordinates refer to Baltimore Co. Metropolitan District Grid. Trav. Sta. Δ 12052 (N 134,406.2 W 27,034.85) & Δ 12053 (N 134,994.43, W 27,362.97).</p>	<p>OWNER / DEVELOPER</p>	<p>DEED REFERENCE • Liber 8216 Page 456</p> <p>November 30, 1990 Scale: 1" = 100'</p> <p>JOSEPH W. SHAW, R.S. c/o O'Neill Realty Suite 2, Malaw Building Parkton, L.D. 21120 301-329-6701</p>
<p>Department of Environmental Protection & Resource Management</p> <p>Approved By: _____</p> <p>Director of Environmental Protection and Resource Management Date _____</p>	<p>Office of Planning and Zoning</p> <p>APPROVED BY: _____</p> <p>Director of Planning Date _____</p> <p>Zoning Commissioner Date _____</p>	<p>TAX ACCOUNT # • 06-20-050010</p> <p>STATE OF MARYLAND DEPARTMENT OF THE TREASURY LAND SURVEYERS</p> <p>M 64 - 22</p>

1. RC-2 zoned land will be administered in a similar fashion as outlined for "Agricultural Preservation Areas". (See above.)
2. RC-4 zoning will be amended as follows:

- a) Lot size is not to exceed 60,000 square feet nor be less than 25 acres unless the accommodation of on-lot sewer and/or water requires additional acreage except that variances can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.
- b) Lots can be placed on prime and productive soils if it is demonstrated that this will promote reservoir watershed protection by locating lots a greater distance from watercourses including floodplains, seeps and springs and by avoiding the location of lots on steep slopes (>15%). (The primary purpose of RC-4 outside of the "Agricultural Preservation Areas" is to promote watershed protection, albeit, wherever possible prime and productive soils shall be protected.)

- c) Clustering shall be required wherever possible.

3. RC-3 zoning shall be amended so that lot size shall not exceed one (1) acre or be less than 25 acres. Clustering of lots shall be required wherever possible. Lots shall be excluded from prime and productive soils unless it is demonstrated that no other suitable location exists.

DISC #4: "INTERIM.APP" TJG 4-2-90

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/12/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 395, 398, 399, 400, AND 402.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-6881. MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: May 5, 1994

SUBJECT: N/S Gores Mill Road

INFORMATION:

Item Number: 395

Petitioner: Prettyboy Tree Farm, Inc.

Property Size:

Zoning: R.C. 2

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff offers the following comment:

A note should be added to the plat accompanying this request to indicate that the subject 6.572 acre parcel and Lot 1 cannot be subdivided for density purposes.

Prepared by: Jeffrey H. Gray

Division Chief: Gary Kinn

PK/JL:lw

ZAC 195/PZONE/ZAC1

Pg. 1

JEFFREY H. GRAY

June 17, 1994

Arnold E. Jablon, Esquire
Office of Planning & Zoning
County Office Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Prettyboy Tree Farm, Inc.
Special Hearing Request
Case No.: 94-411-SPH

Dear Mr. Jablon:

Enclosed please find the proposed packet of documents for recording in compliance with the June 7, 1994 Order of Lawrence E. Schmidt, Zoning Commissioner of Baltimore County. I have prepared these documents and caused them to be delivered to your office in accordance with instructions received from Harry L. Yingling, III, President of Prettyboy Tree Farm, Inc. and J. M. O'Neill, Mr. Yingling's consultant. If these documents meet with your approval, please let me know as we would like to record them immediately after the expiration of the thirty (30) day appeal period.

Very truly yours,

Jeffrey H. Gray
cc: Harry L. Yingling, III, President
Prettyboy Tree Farm, Inc.
Consultant

Speed
Letter



RECEIVED
JUN 17 1994

ZADM

June 22, 1994

Dear Mr. Gray:

Please be advised that the zoning staff has reviewed your draft for Arnold Jablon and has determined that this office would approve the documents for recording. At the earliest opportunity after recording, please submit the recorded, stamped copies for the permanent zoning file. Also, please submit five full-scale copies of the minor subdivision for the development files. FOR YOUR INFORMATION: There is one typo on page 3 - correct "fore" to "from". Should you have any additional requests please contact me in this office at 887-3391.

W. Carl Richards
Zoning Coordinator

JEFFREY H. GRAY

P.O. BOX 551 - 17000 YORK ROAD - MONKTON, MD 21111-0551 - (410) 329-2104

June 17, 1994

Arnold E. Jablon, Esquire
Office of Planning & Zoning
County Office Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Prettyboy Tree Farm, Inc.
Special Hearing Request
Case No.: 94-411-SPH

Dear Mr. Jablon:

Enclosed please find the proposed packet of documents for recording in compliance with the June 7, 1994 Order of Lawrence E. Schmidt, Zoning Commissioner of Baltimore County. I have prepared these documents and caused them to be delivered to your office in accordance with instructions received from Harry L. Yingling, III, President of Prettyboy Tree Farm, Inc. and J. M. O'Neill, Mr. Yingling's consultant. If these documents meet with your approval, please let me know as we would like to record them immediately after the expiration of the thirty (30) day appeal period.

Very truly yours,

Jeffrey H. Gray
cc: Harry L. Yingling, III, President
Prettyboy Tree Farm, Inc.
J. M. O'Neill, Consultant
JHG:cas

RECEIVED
JUN 17 1994
ZADM

NO TITLE EXAMINATION
NO JUDGMENT REPORT

THIS DEED, Made this ____ day of _____, in the year one thousand nine hundred and ninety-four, by and between PRETTYBOY TREE FARM, INC., a Maryland Corporation, party of the first part and RICHARD WHITWORTH, party of the second part.

WITNESSETH, that in consideration of the sum of Forty-nine Thousand Two Hundred Ninety (\$49,290.00) Dollars and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said PRETTYBOY TREE FARM, INC., a Maryland Corporation, does hereby grant and convey unto the party, of the second part, Richard F. Whitworth, in fee simple, all that lot of ground lying and situate in the Sixth Election District of Baltimore County as depicted on a plat of the particular boundary line and lot of ground, which plat is attached hereto and made a part hereof as "Exhibit A" and as described as follows:

BEGINNING FOR THE SAME at a point in Gore Mill Road Extended at the beginning of the second or N 68°47'40"W, 712.80 foot line of a deed dated May 30, 1989 from Virginia P. Tinley, widow, and E. Catherine Byrne Doehler to Prettyboy Tree Farm, Inc., as recorded among the Land Records of Baltimore County in Liber 8216, folio 456; thence running with said Gore Mill Road Extended and binding on the said second, as now surveyed (1) N78°14'55"W, 522.85'; thence binding reversely on the third and second lines of a deed dated January 14, 1994 from Cynthia M. Mann to Richard

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 551
17000 YORK ROAD
MONKTON, MD 21111-0551
(410) 329-2104

Witworth and recorded among the Land Records of Baltimore County in Liber 10302, folio 644 (2) N 21°50'55"E, 406.43' to a rebar in place and (3) N68°09'05"E, 126.97' and (5) S75°02'03"E, 184.61' to an iron pipe in place at the end of the fourth or N65°34'48"W, 212.32 foot line of a deed dated November 2, 1977 from Virginia P. Tinley, widow, and E. Catherine Byrne Doehler to Harry L. Yingling III and Helen M. Yingling, his wife, and recorded among the Land Records of Baltimore County in Liber 5824, folio 234; thence binding reversely on the said fourth line (6) S75°02'03"E, 212.32' to an iron pipe in place; thence by line of division (7) S 54°14'30"E, 363.50' to a point on the first line of the aforesaid deed in Liber 8216, folio 456; thence binding on part of the said first line (8) S28°14'25"W, 404.45' to the place of beginning. Containing a gross area of 6.803 acres, more or less.

SUBJECT to a Highway Widening Easement for Gore Mill Road Extended.

ALSO SUBJECT to a Baltimore County Forest Buffer.

ALSO SUBJECT to the following right-of-way:

Description of Right-of-Way to be supplied.

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 551
17000 YORK ROAD
MONKTON, MD 21111-0551
(410) 329-2104

Containing a net area of 6.572 acres of land, more or less. ALSO SUBJECT TO THE TERMS AND CONDITIONS OF AN ORDER FROM THE ZONING COMMISSIONER OF BALTIMORE COUNTY, A COPY OF WHICH IS ATTACHED HERETO AND INTENDED TO BE RECORDED HEREWITH.

ALSO SUBJECT TO ANY NOTES, MARKINGS, DELINEATIONS, OR OTHER TERMS AS MAY APPEAR ON A PLAT, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AND INTENDED TO BE RECORDED HEREWITH.

BEING part of that lot of ground which by Deed dated May 30, 1989 and recorded among the Land Records of Baltimore County at Liber 8216, folio 456 was granted and conveyed by Virginia P. Tinley, E. Catherine Byrne Doehler unto PRETTYBOY TREE FARM, INC., the within named grantor.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed unto and to the proper use and benefits of the said Richard Whitworth, in fee simple.

AND the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property granted and that it will execute

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 551
17000 YORK ROAD
MONKTON, MD 21111-0551
(410) 329-2104

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. 395

Petitioner: *94-411-SPH From Harry Yingling*

Location: *1150' SW of C/L Middlebrook Rd*

PLEASE FORWARD ADVERTISING BILL TO:

NAME: *Harry Yingling*

ADDRESS: *24 MT CHARLES RD*

Harford MD 21120

PHONE NUMBER: *410-621-6211*

MUST BE SUPPLIED

Item Number: 395
Planner: RT
Date Filed: 4-19-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- ✓ Need an attorney
- ✓ The following information is missing:
- Descriptions, including accurate beginning point
 - Actual address of property
 - Zoning
 - Acreage
 - Plats (need 12, only 1 submitted)
 - 200 scale zoning map with property outlined
 - Election district
 - Councilmanic district
 - BC2R section information and/or wording
 - Hardship/practical difficulty information
 - Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
 - Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
 - Power of attorney or authorization for person signing for legal owner and/or contract purchaser
 - Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

TO: PUTNEY PUBLISHING COMPANY
May 5, 1994 Issue - Jeffersonian

Please forward billing to:

O'Neill & Company
214 Mt. Carmel Road
Parkton, Maryland 21120
329-6701

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-411-SPH (Item No. 395)

Pretty Boy Tree Farm

N/S Gores Mill Road, 1150' SW of C/L Middlebrook Road

6th Election District - 3rd Councilmanic District

Legal Owner: Prettyboy Tree Farm, Inc.

Contract Purchaser: Richard F. Whitworth

HEARING: WEDNESDAY, JUNE 1, 1994 at 9:00 A.M. Rm. 118 Old Courthouse

Special Hearing to approve a non-density transfer of 6.572/- acres to adjacent lot 1 with an area of 1.72 +/- acres.

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 28, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-411-SPH (Item No. 395)

Pretty Boy Tree Farm

N/S Gores Mill Road, 1150' SW of C/L Middlebrook Road

6th Election District - 3rd Councilmanic District

Legal Owner: Prettyboy Tree Farm, Inc.

Contract Purchaser: Richard F. Whitworth

HEARING: WEDNESDAY, JUNE 1, 1994 at 9:00 A.M. Rm. 118 Old Courthouse

Special Hearing to approve a non-density transfer of 6.572/- acres to adjacent lot 1 with an area of 1.72 +/- acres.

ARNOLD JABLON
Director

cc: Harry L. Yingling, III
Richard F. Whitworth
Marty O'Neill

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 27, 1994

Harry S. Yingling, III
President
Prettyboy Tree Farm, Inc.
P.O. Box 395
Parkton, Maryland 21120

RE: Case No. 94-411-SPH, Item No. 395
Petitioner: Prettyboy Tree Farm, Inc.
Petition for Special Hearing

Dear Mr. Yingling:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 19, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 395 (RT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
BOB SMALL, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

May 18, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #395 - Prettyboy Tree Farm
N/S Gores Mill Road
Zoning Advisory Committee Meeting of May 2, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

This development must comply with the Forest Conservation Regulations.

Agricultural Preservation Program

This non-density transfer has been reviewed for impact on agriculture and reviewed specifically for prime and productive soils.

The request requires an exception to the attached policy regarding lot size. This should be granted because this portion of the property which can be utilized for small agricultural uses is separated from the main parcel by a stream and forest buffer. Furthermore, this is immediately adjacent to several small lots. The requested non-density transfer would not have a significant detrimental impact on the agricultural resource of this area.

JLP:DL:WL:sp

PRETTYBOY/DEPRM/TXTSOP

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

INTERIM APPLICATION OF
BALTIMORE COUNTY COUNCIL BILL No. 134-89

April 1, 1990

County Council Bill No. 134-89 requires this agency to establish policies "to promote agricultural uses and protect Baltimore County's soil resources". In order to prevent unnecessary and/or unwarranted delays in processing plans and/or plats and for the purpose of avoiding uncertainty in regard to the effect of this legislation in general, the following interim policy is effective immediately.

Any plan and/or plat submitted to this agency for development approval that involves RC-2, RC-3 or RC-4 zoning needs to be reviewed by the Baltimore County Department of Environmental Protection and Resource Management to determine its consistency with the interim policy detailed below. All other existing requirements of the Baltimore County Zoning Regulations continue to be applicable.

RC-2 and RC-4 zoned land within the "Agricultural Preservation Areas" as established in the draft Baltimore County Master Plan, 1989-2000 shall be subject to the following additional requirements. (No RC-3 exists within "Agricultural Preservation Areas".)

1. Lots created within RC-2 zoned areas shall be 60,000 square feet or less or greater than 50 acres in size except that variances can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.
2. Lots created within RC-2 and RC-4 zoned land shall not be located on prime and productive soils as referenced in the Baltimore County Soil Survey unless it is demonstrated that no other suitable area for lot placement exists and the location of lots shall not seriously impact the utility of a farming operation or significantly diminish the agricultural land resources.
3. In regard to prime and productive soils within RC-4 zoned land, the residential density calculated shall be the same as for RC-2. In addition, provisions for lot size and location in regard to all lots allowed within RC-4 zoned areas shall be similar to #1 and #2 above.

In regard to areas zoned RC-2, RC-3 and RC-4 outside of "Agricultural Preservation Areas" the following provisions shall apply:

IN RE: PETITION FOR SPECIAL HEARING
N/S Gores Mill Rd., 1150 ft.
SW c/l Middletown Road
Prettyboy Tree Farm, Inc.
6th Election District
3rd Councilmanic District
Legal Owner: Prettyboy Tree
Farm, Inc.,
Contract Purchaser:
Richard F. Whitworth
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-411-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for a parcel of 6.572 acres in size located on the north side of Gores Mill Road near Freeland in northern Baltimore County. Approval is sought of a non-density transfer of the subject 6.572 acre lot to the adjacent lot No. 1 which presently contains an area of 1.72 acres. The Petition is filed by Prettyboy Tree Farm, Inc., property owner and Richard W. Whitworth, Contract Purchaser.

Appearing at the requisite public hearing held for this case was the aforementioned, Mr. Whitworth and H. L. Yingling, a principal in Prettyboy Tree Farm, Inc. Also present was J.M. O'Neill of O'Neill and Company. Mr. O'Neill is providing the Petitioners with consulting services regarding this transfer. There were no Protestants present.

Testimony and evidence offered was that the subject site is part of a larger tract owned by the Prettyboy Tree Farm, Inc. This larger tract is approximately 75 acres in area and is split zoned R.C.2, R.C.4 and R.C.5. The subject parcel is zoned R.C.2.

Further testimony offered was that Mr. Whitworth originally purchased a small parcel known as lot No. 1 from Prettyboy Tree Farm, Inc. in 1990. Lot No. 1 is 1.72 acres in area and is improved with Mr. Whitworth's

home. A portion of this small parcel is used for agricultural purposes and is planted in corn. Mr. Whitworth desires to purchase additional acreage immediately adjacent to lot No. 1. The area to be acquired is 6.572 acres and will continue to be used for agricultural purposes. It is significant that the tract to be conveyed is separated from the balance of the Prettyboy Tree Farm by natural features of the land. Specifically, a stream and forest buffer separate the property from the balance of the tract. Much of the balance of the tract owned by the Prettyboy Tree Farm is used as a Christmas tree farm and is accessible from Middletown Road. The subject parcel, however, is accessible only from Gores Mill Road.

The Petition underwent evaluation by the Zoning Plans Advisory Committee. The Department of Environmental Protection and Resource Management (DEPRM) concluded that the requested non-density transfer would not be detrimental to agricultural resource in this area. Mr. O'Neill also indicated that he had been working with Mr. Wally Lippincott, Coordinator of the Agricultural Resource Preservation Division and Mr. Lippincott had approved the proposal. The Office of Planning and Zoning also supports the proposal provided that the subject 6.572 acre parcel on lot No. 1 cannot be subdivided for density purposes. The Petitioners indicated that they would accept such a restriction in the Order.

Therefore, based upon the uncontradicted testimony and evidence presented, I am persuaded that the Petition for Special Hearing should be granted. There was no evidence presented that the subject proposal would be detrimental to the welfare of the community, nor be inconsistent with the agricultural purposes of the property's zoning classification. Thus, the Petition for Special Hearing shall be granted as conditioned by the comment offered by the Office of Planning and Zoning.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of June, 1994 that, pursuant to the Petition for Special Hearing, approval of a non-density transfer of the 6.572 acre lot to the adjacent lot No. 1 which presently contains an area of 1.72 acres, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. A note shall be added to the plat indicating that the subject 6.572 acre parcel on lot No. 1 cannot be subdivided for density purposes.
3. The Petitioners shall cause a copy of this Order, which references this case and the restrictions and conditions set forth herein, to be recorded in the Land Records of Baltimore County.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/7/94
By [Signature]

LES/mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4346

June 6, 1994

Mr. Richard F. Whitworth
19816 Gore Mill Road
Freeland, Maryland 21053

Mr. H.L. Yingling, III, President
Prettyboy Tree Farm, Inc.
P.O. Box 395
Parkton, Maryland 21120

RE: Petition for Special Hearing
Case No. 94-411-SPH
Contract Purchaser: Richard F. Whitworth
Legal Owner: Prettyboy Tree Farm, Inc., Petitioners

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Mr. J.M. O'Neill, 214 Mt. Carmel Road, Parkton, Md. 21120



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at N/S Gores Mill Rd. Freeland, MD 21053
which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A NON-DENSITY TRANSFER OF 6.572 ACES?
TO ADJACENT LOT 1 WITH AN AREA OF 1.72 ACES?

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expense of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):
Richard F. Whitworth
Signature
19816 Gore Mill Rd
Freeland, MD 21053
City State Zipcode

Prettyboy Tree Farm, Inc.
Signature
H.L. Yingling III, President
P.O. Box 395 Parkton, Md. 21120
City State Zipcode

Attorney for Petitioner:
Signature
Address
City State Zipcode

City Address and phone number of representative to be contacted:
Name: HENRY O'NEILL, JR.
Address: 214 MT. CARMEL RD
Parkton, MD 21120 339-6741
City State Zipcode Phone No.

ESTIMATED LENGTH OF HEARING
the following date: [blank] Next Two Months
ALL
REVIEWED BY: R.T. DATE: 4-19-94

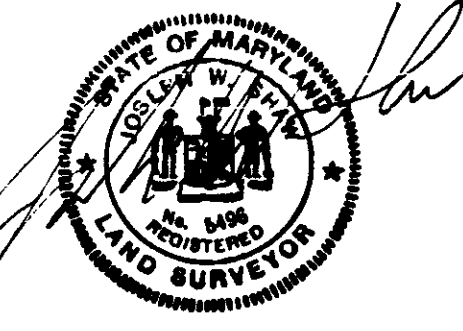
ITEM # 395

Joseph W. Shaw
PROFESSIONAL LAND SURVEYOR
P.S.L.S. - FELLOW A.C.S.M. - N.S.P.S.
47 West Pennsylvania Avenue
STEWARTSTOWN, PA 17363
Phone: (717) 963-3108

March 22, 1994

ZONING DESCRIPTION FOR
PRETTY BOY TREE FARM, INC.
SIXTH ELECTION DISTRICT, BALTIMORE CO., MD.

Beginning at a point on the north side of Gores Mill Road, which is fifty (50) feet wide, at a distance of approximately 1150 feet southwest of the centerline of the nearest improved intersecting street, Middletown Road, which is seventy(70) feet wide. As recorded in Deed Liber 8216, folio 456
N 77°30'00"W, 523.55 ft.,
N 21°50'55"E, 383.44 ft.,
N 68°09'105"W, 187.00 ft.,
N 21°50'55"E, 126.97 ft.,
S 75°02'03"E, 396.93 ft.,
S 54°14'30"E, 363.50 ft. and
S 28°15'25"W, 387.97 ft. to the place of Beginning and containing 286,265 sq. ft. or 6.572 acres.



ITEM # 395

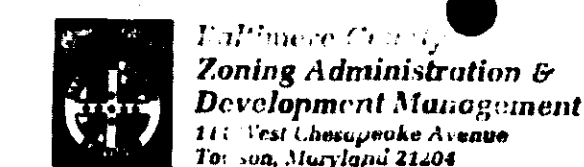
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 6th Date of Posting: 5/12/94
Posted for: Special Hearing
Petitioner: Prettyboy Tree Farm - Richard F. Whitworth
Location of property: N/S Gores Mill Rd. MD 21053 Middletown Rd
Location of Sign: Freeland, Md. Hwy. on property being zoned
Remarks:
Posted by: [Signature] Date of return: 5/19/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 6, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 5, 1994.

THE JEFFERSONIAN,
A. Henderson
LEGAL AD. - TOWSON



Date: 4-19-94
PRETTYBOY TREE FARM, INC. (YINGLING PRES.)
N/S GORES MILL RD, FREELAND, MD, 21053

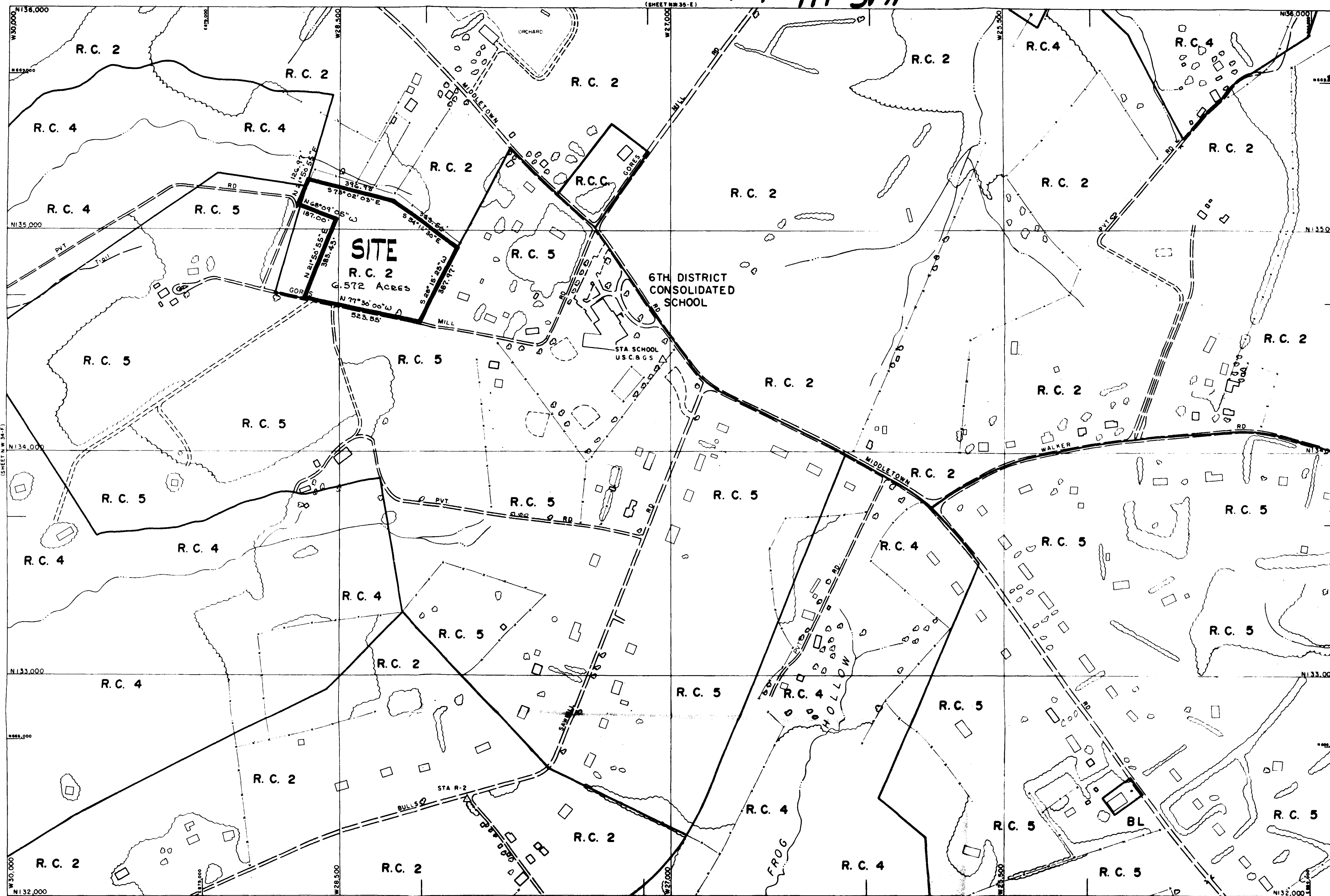
830 - SPH RES. - \$ 50.00
850 - SIGN - \$ 35.00
TOTAL - \$ 85.00

receipt
94-411-SPH

Account: R 001-4190
Number 395

Please Make Checks Payable To: Baltimore County

94-411 SPH



KK - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Nos. 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02

William A. Howard II
Baltimore County Council

SCALE 1" = 200'	LOCATION 6TH. DISTRICT CONSOLIDATED SCHOOL ITEM # 395	SHEET NW 34-E
DATE OF PHOTOGRAPHY JANUARY 1986		

GENERAL NOTES

- Election District - 6
- Councilmanic District - 3
- Census Tract - 4060
- Watershed - 15
- Subwatershed - none
- Existing Zoning - R.C. 2, R.C. 4 and R.C. 5
- Gross Area - Lot # 1 - 1.816 Ac.
- Net Area - Lot # 1 - 1.712 Ac.
- Lots Allowed - 2 in R.C. 2 Zone
- 10/1 Lots proposed - 1 (one) lot & Tract "A"
- Two car parking pad will be provided with lot size (18' x 18')
- Lot will be for sale.
- Proposed well area and existing wells are over 100' apart, well and S.D.A. are over 100' apart, building envelopes are 20' from S.D.A. and 30' from well area, S.D.A. and well are over 10' from property lines, proposed S.D.A. is at least 10,000 sq. ft., proposed well is to be drilled in well area shown on plan.
- SCIL CHART

SCIL CHART

Sym.	Acres	Name	Slope%	Filter Field	Drwg. w/bamt.	Street & Parking
GgC2	1.30	Ac. Glenig	8 to 15	M	Slope	M
CbB2	0.54	Ac. Chester	3 to 8	Slight	Slight	S

13. The 10,000 sq. ft. Sewage Disposal Area is 200' from the creek shown on plan. There will be no clearing or disturbance in those areas.

16. Owners of property is: PRETTY BOY TREE FARM, INC.
c/o Harry L. Yingling, III
P.O. Box 395
Parkton, MD. 21120
301-357-4924

17. A.D.T.'s = 12.4 x 1 = 12.4 average daily trips

18. There are no critical areas, archeological sites, endangered species habitat or hazardous material on this site. No buildings to be retained on site.

19. In compliance with Section 22-99 of the Development Regulations of Baltimore, Co., the plans and plat will include adequate measures to prevent erosion or sloughing of any steep or unstable slopes or soils which present a severe or moderate limitation to development. Sodding or seeding & mulching and protective cover will be used until stabilization of the disturbed areas has occurred.

20. No more than 15% of lot will be covered by buildings. Minimum lot size is 1.0 Acre.

21. ACCESSORY STRUCTURE NOTE

1. Envelopes shown herein are for the location of all principal buildings only. Accessory structures, fences, and projections into yards may be constructed outside the envelope, but must comply with Section 400 and 301 of the Balt. Co. Zoning Regulations. (Subject to covenants and applicable building permits.)

2. Accessory structure, fences and projections into yard cannot be located in flood plain areas or hybrid soils.

22.

23. Whenever Tract "A" is hereafter sold or subdivided, or an application is hereafter submitted for a permit that would authorize similar development activity, then all the lot shall be subject to all of the regulations and requirements that are/are would be applied to any land subdivision on the date of sale or application.

24. Storm Water Management will not be required at this site. Section 2-150.3(d) of the Storm Water Management Policy and Design Manual, 1984, allows a variance to be granted if strict adherence to the provisions would result in unreasonable hardship or practical difficulty and not fulfill the intent of this division. This variance is valid as long as the following conditions are addressed:

- All site runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody, watercourses, wetlands, storm drain or adjacent property.
- In wooded areas, tree clearing is limited to 11,000 sq. ft. per lot. In general, removal of trees should be minimized.
- All impervious areas should be limited to 30% of cleared area and conveyed as sheet flow through vegetated areas without concentrating or causing erosion.
- House down spouts are to be discharged onto pervious areas or into dry wells, where feasible.

25. Bearings & Coordinates shown refer to recorded plat $\Delta 62 \cdot 86$
As stated on said plat, bearing & coordinates refer to Baltimore Co. Metropolitan District Grid. Tron. Sta. # 12052 (N 134.406.2
W 27.034.35 1 & # 12053 (N 134.994.43, W 27.362.97 1

Department of Environmental Protection & Resource Management
Approved By:

EXISTING Zoning of Entire Property - R.C.-2, R.C.-4 and R.C.-5
Area in R.C.-2 Zone - 51.343 Acres / 2 parcels allowed - 2 used
R.C.-4 Zone - 23.00 Acres / 4 parcels allowed - 1 used
R.C.-5 Zone - 0.700 Acres / 0 parcels allowed - 0 used
Gross Area of Entire Tract - 75.043 Acres by deed
Residue Area (Tract "A") - 72.996 Acres by deed (excludes H.W.A.)
Gross Area of Lot # 1 - 1.816 Acres
Highway Widening Area - 0.104 Acres
Net Area of Lot # 1 - 1.712 Acres
Density R.C.-2 Zone - (1/51.343) = 0.019 lots per acre
Minimum Lot Size in R.C.-2 Zone = 1.0 Acre

LEGEND

- DENOTES APPROVED PERCOLATION TEST
- DENOTES DISAPPROVED PERCOLATION TEST
- PROPOSED LOCATION OF DWELLING
- WELL AREA
- ADDRESS OF LOT

94-411-SPH

COORDINATE TABLE

Number	North	West
1	135, 142.91	28, 668.72
2	134, 734.77	28, 632.35

VICINITY MAP
Scale 1" = 2000'

NO EXISTING DWELLINGS ON LOT # 1 AND TRACT "A"
NO KNOWN FUEL OR CHEMICAL TANKS ON PROPERTY
NO WELLS OR SEPTIC WITHIN 100' OF THIS PROPERTY

DEED PLOTTING
SCALE: 1" = 400'

DEED COURSES

RECEIVED
MAR 29 1991
OFFICE OF PLANNING AND ZONING

PRETTOY BOY TREE FARM, INC.
6th ELECTION DISTRICT, BALTIMORE COUNTY, MD.
County Project No. 90-504-M

DEED REFERENCE - Liber 8216 Page 456
November 30, 1990
Scale: 1" = 100'

OWNER / DEVELOPER
Pretty Boy Tree Farm, Inc.
c/o O'Neill Realty
Suite 2, Malow Building
Parkton, MD. 21120
301-357-4924

JOSEPH W. SHAW, R.S.
47 West Penna. Ave.
Stewartstown, PA. 17363
1-717-993-3102

Office of Planning and Zoning
APPROVED BY:
Director of Planning
Date

1. RC-2 zoned land will be administered in a similar fashion as outlined for "Agricultural Preservation Areas". (See above.)
2. RC-4 zoning will be amended as follows:

- a) Lot size is not to exceed 60,000 square feet nor be less than 25 acres unless the accommodation of on-lot sewer and/or water requires additional acreage except that variances can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.
- b) Lots can be placed on prime and productive soils if it is demonstrated that this will promote reservoir watershed protection by locating lots a greater distance from watercourses including floodplains, seeps and springs and by avoiding the location of lots on steep slopes (>15%). (The primary purpose of RC-4 outside of the "Agricultural Preservation Areas" is to promote watershed protection, albeit, wherever possible prime and productive soils shall be protected.)

- c) Clustering shall be required wherever possible.

3. RC-3 zoning shall be amended so that lot size shall not exceed one (1) acre or be less than 25 acres. Clustering of lots shall be required wherever possible. Lots shall be excluded from prime and productive soils unless it is demonstrated that no other suitable location exists.

DISC #4: "INTERIM.APP" TJG 4-2-90

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/12/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 395, 398, 399, 400, AND 402.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-6881. MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: May 5, 1994

SUBJECT: N/S Gores Mill Road

INFORMATION:

Item Number: 395

Petitioner: Prettyboy Tree Farm, Inc.

Property Size:

Zoning: R.C. 2

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff offers the following comment:

A note should be added to the plat accompanying this request to indicate that the subject 6.572 acre parcel and Lot 1 cannot be subdivided for density purposes.

Prepared by: Jeffrey H. Gray

Division Chief: Gary Kinn

PK/JL:lw

ZAC 195/PZONE/ZAC1

Pg. 1

JEFFREY H. GRAY

June 17, 1994

Arnold E. Jablon, Esquire
Office of Planning & Zoning
County Office Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Prettyboy Tree Farm, Inc.
Special Hearing Request
Case No.: 94-411-SPH

Dear Mr. Jablon:

Enclosed please find the proposed packet of documents for recording in compliance with the June 7, 1994 Order of Lawrence E. Schmidt, Zoning Commissioner of Baltimore County. I have prepared these documents and caused them to be delivered to your office in accordance with instructions received from Harry L. Yingling, III, President of Prettyboy Tree Farm, Inc. and J. M. O'Neill, Mr. Yingling's consultant. If these documents meet with your approval, please let me know as we would like to record them immediately after the expiration of the thirty (30) day appeal period.

Very truly yours,

Jeffrey H. Gray
cc: Harry L. Yingling, III, President
Prettyboy Tree Farm, Inc.
Consultant

Speed
Letter

RECEIVED
JUN 17 1994

ZADM

Dear Mr. Gray:

Please be advised that the zoning staff has reviewed your draft for Arnold Jablon and has determined that this office would approve the documents for recording. At the earliest opportunity after recording, please submit the recorded, stamped copies for the permanent zoning file. Also, please submit five full-scale copies of the minor subdivision for the development files. FOR YOUR INFORMATION: There is one typo on page 3 - correct "fore" to "from". Should you have any additional requests please contact me in this office at 887-3391.

W. Carl Richards
Zoning Coordinator

JEFFREY H. GRAY

P.O. BOX 551 - 17000 YORK ROAD - MONKTON, MD 21111-0551 - (410) 329-2104

June 17, 1994

Arnold E. Jablon, Esquire
Office of Planning & Zoning
County Office Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Prettyboy Tree Farm, Inc.
Special Hearing Request
Case No.: 94-411-SPH

Dear Mr. Jablon:

Enclosed please find the proposed packet of documents for recording in compliance with the June 7, 1994 Order of Lawrence E. Schmidt, Zoning Commissioner of Baltimore County. I have prepared these documents and caused them to be delivered to your office in accordance with instructions received from Harry L. Yingling, III, President of Prettyboy Tree Farm, Inc. and J. M. O'Neill, Mr. Yingling's consultant. If these documents meet with your approval, please let me know as we would like to record them immediately after the expiration of the thirty (30) day appeal period.

Very truly yours,

Jeffrey H. Gray
cc: Harry L. Yingling, III, President
Prettyboy Tree Farm, Inc.
J. M. O'Neill, Consultant
JHG:cas

RECEIVED
JUN 17 1994
ZADM

NO TITLE EXAMINATION
NO JUDGMENT REPORT

THIS DEED, Made this ____ day of _____, in the year one thousand nine hundred and ninety-four, by and between PRETTYBOY TREE FARM, INC., a Maryland Corporation, party of the first part and RICHARD WHITWORTH, party of the second part.

WITNESSETH, that in consideration of the sum of Forty-nine Thousand Two Hundred Ninety (\$49,290.00) Dollars and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said PRETTYBOY TREE FARM, INC., a Maryland Corporation, does hereby grant and convey unto the party, of the second part, Richard F. Whitworth, in fee simple, all that lot of ground lying and situate in the Sixth Election District of Baltimore County as depicted on a plat of the particular boundary line and lot of ground, which plat is attached hereto and made a part hereof as "Exhibit A" and as described as follows:

BEGINNING FOR THE SAME at a point in Gore Mill Road Extended at the beginning of the second or N 68°47'40"W, 712.80 foot line of a deed dated May 30, 1989 from Virginia P. Tinley, widow, and E. Catherine Byrne Doehler to Prettyboy Tree Farm, Inc., as recorded among the Land Records of Baltimore County in Liber 8216, folio 456; thence running with said Gore Mill Road Extended and binding on the said second, as now surveyed (1) N78°14'55"W, 522.85'; thence binding reversely on the third and second lines of a deed dated January 14, 1994 from Cynthia M. Mann to Richard

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 551
17000 YORK ROAD
MONKTON, MD 21111-0551
(410) 329-2104

Witworth and recorded among the Land Records of Baltimore County in Liber 10302, folio 644 (2) N 21°50'55"E, 406.43' to a rebar in place and (3) N68°09'05"E, 126.97' and (5) S75°02'03"E, 184.61' to an iron pipe in place at the end of the fourth or N65°34'48"W, 212.32 foot line of a deed dated November 2, 1977 from Virginia P. Tinley, widow, and E. Catherine Byrne Doehler to Harry L. Yingling III and Helen M. Yingling, his wife, and recorded among the Land Records of Baltimore County in Liber 5824, folio 234; thence binding reversely on the said fourth line (6) S75°02'03"E, 212.32' to an iron pipe in place; thence by line of division (7) S 54°14'30"E, 363.50' to a point on the first line of the aforesaid deed in Liber 8216, folio 456; thence binding on part of the said first line (8) S28°14'25"W, 404.45' to the place of beginning. Containing a gross area of 6.803 acres, more or less.

SUBJECT to a Highway Widening Easement for Gore Mill Road Extended.

ALSO SUBJECT to a Baltimore County Forest Buffer.

ALSO SUBJECT to the following right-of-way:

Description of Right-of-Way to be supplied.

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 551
17000 YORK ROAD
MONKTON, MD 21111-0551
(410) 329-2104

Containing a net area of 6.572 acres of land, more or less. ALSO SUBJECT TO THE TERMS AND CONDITIONS OF AN ORDER FROM THE ZONING COMMISSIONER OF BALTIMORE COUNTY, A COPY OF WHICH IS ATTACHED HERETO AND INTENDED TO BE RECORDED HEREWITH.

ALSO SUBJECT TO ANY NOTES, MARKINGS, DELINEATIONS, OR OTHER TERMS AS MAY APPEAR ON A PLAT, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AND INTENDED TO BE RECORDED HEREWITH.

BEING part of that lot of ground which by Deed dated May 30, 1989 and recorded among the Land Records of Baltimore County at Liber 8216, folio 456 was granted and conveyed by Virginia P. Tinley, E. Catherine Byrne Doehler unto PRETTYBOY TREE FARM, INC., the within named grantor.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed unto and to the proper use and benefits of the said Richard Whitworth, in fee simple.

AND the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property granted and that it will execute

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 551
17000 YORK ROAD
MONKTON, MD 21111-0551
(410) 329-2104

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 395

Petitioner: Prettyboy Tree Farm, Harry Yingling

Location: N/S Gores Mill Road, 1150' SW of C/L Middletown Road, 6th Election District - 3rd Councilmanic District

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Harry L. Yingling, III

ADDRESS: 24 MT. CHARLES RD., Towson, MD 21204

PHONE NUMBER: 410-621-6211

MUST BE SUPPLIED

Item Number: 395
Planner: RT
Date Filed: 4-19-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- ✓ Need an attorney
- ✓ The following information is missing:
- Actual address of property
 - Zoning
 - Acreage
 - Plats (need 12, only 1 submitted)
 - 200 scale zoning map with property outlined
 - Election district
 - Councilmanic district
 - BC2R section information and/or wording
 - Hardship/practical difficulty information
 - Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
 - Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
 - Power of attorney or authorization for person signing for legal owner and/or contract purchaser
 - Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

TO: PUTNEY PUBLISHING COMPANY
May 5, 1994 Issue - Jeffersonian

Please forward billing to:

O'Neill & Company
214 Mt. Carmel Road
Parkton, Maryland 21204
329-6701

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-411-SPH (Item No. 395)

Prettyboy Tree Farm

N/S Gores Mill Road, 1150' SW of C/L Middletown Road

6th Election District - 3rd Councilmanic District

Legal Owner: Prettyboy Tree Farm, Inc.

Contract Purchaser: Richard F. Whitworth

HEARING: WEDNESDAY, JUNE 1, 1994 at 9:00 A.M. Rm. 118 Old Courthouse

Special Hearing to approve a non-density transfer of 6.572/- acres to adjacent lot 1 with an area of 1.72 +/- acres.

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 28, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-411-SPH (Item No. 395)

Prettyboy Tree Farm

N/S Gores Mill Road, 1150' SW of C/L Middletown Road

6th Election District - 3rd Councilmanic District

Legal Owner: Prettyboy Tree Farm, Inc.

Contract Purchaser: Richard F. Whitworth

HEARING: WEDNESDAY, JUNE 1, 1994 at 9:00 A.M. Rm. 118 Old Courthouse

Special Hearing to approve a non-density transfer of 6.572/- acres to adjacent lot 1 with an area of 1.72 +/- acres.

ARNOLD JABLON
Director

cc: Harry L. Yingling, III
Richard F. Whitworth
Marty O'Neill

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 27, 1994

(410) 887-3353

Harry S. Yingling, III
President
Prettyboy Tree Farm, Inc.
P.O. Box 395
Parkton, Maryland 21204

RE: Case No. 94-411-SPH, Item No. 395
Petitioner: Prettyboy Tree Farm, Inc.
Petition for Special Hearing

Dear Mr. Yingling:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on April 19, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 395 (RT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
DAVID A. RANNEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE**

May 18, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #395 - Prettyboy Tree Farm
N/S Gores Mill Road
Zoning Advisory Committee Meeting of May 2, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

This development must comply with the Forest Conservation Regulations.

Agricultural Preservation Program

This non-density transfer has been reviewed for impact on agriculture and reviewed specifically for prime and productive soils.

The request requires an exception to the attached policy regarding lot size. This should be granted because this portion of the property which can be utilized for small agricultural uses is separated from the main parcel by a stream and forest buffer. Furthermore, this is immediately adjacent to several small lots. The requested non-density transfer would not have a significant detrimental impact on the agricultural resource of this area.

JLP:DL:WL:sp

PRETTYBOY/DEPRM/TXTSOP

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT**

**INTERIM APPLICATION OF
BALTIMORE COUNTY COUNCIL BILL No. 134-89**

April 1, 1990

County Council Bill No. 134-89 requires this agency to establish policies "to promote agricultural uses and protect Baltimore County's soil resources". In order to prevent unnecessary and/or unwarranted delays in processing plans and/or plats and for the purpose of avoiding uncertainty in regard to the effect of this legislation in general, the following interim policy is effective immediately.

Any plan and/or plat submitted to this agency for development approval that involves RC-2, RC-3 or RC-4 zoning needs to be reviewed by the Baltimore County Department of Environmental Protection and Resource Management to determine its consistency with the interim policy detailed below. All other existing requirements of the Baltimore County Zoning Regulations continue to be applicable.

RC-2 and RC-4 zoned land within the "Agricultural Preservation Areas" as established in the draft Baltimore County Master Plan, 1989-2000 shall be subject to the following additional requirements. (No RC-3 exists within "Agricultural Preservation Areas".)

1. Lots created within RC-2 zoned areas shall be 60,000 square feet or less or greater than 50 acres in size except that variances can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.
2. Lots created within RC-2 and RC-4 zoned land shall not be located on prime and productive soils as referenced in the Baltimore County Soil Survey unless it is demonstrated that no other suitable area for lot placement exists and the location of lots shall not seriously impact the utility of a farming operation or significantly diminish the agricultural land resources.
3. In regard to prime and productive soils within RC-4 zoned land, the residential density calculated shall be the same as for RC-2. In addition, provisions for lot size and location in regard to all lots allowed within RC-4 zoned areas shall be similar to #1 and #2 above.

In regard to areas zoned RC-2, RC-3 and RC-4 outside of "Agricultural Preservation Areas" the following provisions shall apply:

IN RE: PETITION FOR SPECIAL HEARING
N/S Gores Mill Rd., 1150 ft.
SW c/l Middletown Road
Prettyboy Tree Farm, Inc.
6th Election District
3rd Councilmanic District
Legal Owner: Prettyboy Tree
Farm, Inc.,
Contract Purchaser:
Richard F. Whitworth
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-411-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for a parcel of 6.572 acres in size located on the north side of Gores Mill Road near Freeland in northern Baltimore County. Approval is sought of a non-density transfer of the subject 6.572 acre lot to the adjacent lot No. 1 which presently contains an area of 1.72 acres. The Petition is filed by Prettyboy Tree Farm, Inc., property owner and Richard W. Whitworth, Contract Purchaser.

Appearing at the requisite public hearing held for this case was the aforementioned, Mr. Whitworth and H. L. Yingling, a principal in Prettyboy Tree Farm, Inc. Also present was J.M. O'Neill of O'Neill and Company. Mr. O'Neill is providing the Petitioners with consulting services regarding this transfer. There were no Protestants present.

Testimony and evidence offered was that the subject site is part of a larger tract owned by the Prettyboy Tree Farm, Inc. This larger tract is approximately 75 acres in area and is split zoned R.C.2, R.C.4 and R.C.5. The subject parcel is zoned R.C.2.

Further testimony offered was that Mr. Whitworth originally purchased a small parcel known as lot No. 1 from Prettyboy Tree Farm, Inc. in 1990. Lot No. 1 is 1.72 acres in area and is improved with Mr. Whitworth's

home. A portion of this small parcel is used for agricultural purposes and is planted in corn. Mr. Whitworth desires to purchase additional acreage immediately adjacent to lot No. 1. The area to be acquired is 6.572 acres and will continue to be used for agricultural purposes. It is significant that the tract to be conveyed is separated from the balance of the Prettyboy Tree Farm by natural features of the land. Specifically, a stream and forest buffer separate the property from the balance of the tract. Much of the balance of the tract owned by the Prettyboy Tree Farm is used as a Christmas tree farm and is accessible from Middletown Road. The subject parcel, however, is accessible only from Gores Mill Road.

The Petition underwent evaluation by the Zoning Plans Advisory Committee. The Department of Environmental Protection and Resource Management (DEPRM) concluded that the requested non-density transfer would not be detrimental to agricultural resource in this area. Mr. O'Neill also indicated that he had been working with Mr. Wally Lippincott, Coordinator of the Agricultural Resource Preservation Division and Mr. Lippincott had approved the proposal. The Office of Planning and Zoning also supports the proposal provided that the subject 6.572 acre parcel on lot No. 1 cannot be subdivided for density purposes. The Petitioners indicated that they would accept such a restriction in the Order.

Therefore, based upon the uncontradicted testimony and evidence presented, I am persuaded that the Petition for Special Hearing should be granted. There was no evidence presented that the subject proposal would be detrimental to the welfare of the community, nor be inconsistent with the agricultural purposes of the property's zoning classification. Thus, the Petition for Special Hearing shall be granted as conditioned by the comment offered by the Office of Planning and Zoning.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of June, 1994 that, pursuant to the Petition for Special Hearing, approval of a non-density transfer of the 6.572 acre lot to the adjacent lot No. 1 which presently contains an area of 1.72 acres, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. A note shall be added to the plat indicating that the subject 6.572 acre parcel on lot No. 1 cannot be subdivided for density purposes.
3. The Petitioners shall cause a copy of this Order, which references this case and the restrictions and conditions set forth herein, to be recorded in the Land Records of Baltimore County.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/7/94
By [Signature]

LES/mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4346

June 6, 1994

Mr. Richard F. Whitworth
19816 Gore Mill Road
Freeland, Maryland 21053

Mr. H.L. Yingling, III, President
Prettyboy Tree Farm, Inc.
P.O. Box 395
Parkton, Maryland 21120

RE: Petition for Special Hearing
Case No. 94-411-SPH
Contract Purchaser: Richard F. Whitworth
Legal Owner: Prettyboy Tree Farm, Inc., Petitioners

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att.
cc: Mr. J.M. O'Neill, 214 Mt. Carmel Road, Parkton, Md. 21120



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at N/S Gores Mill Rd. Freeland, MD 21053
which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A NON-DENSITY TRANSFER OF 6.572 ACES?
TO ADJACENT LOT 1 WITH AN AREA OF 1.72 ACES?

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expense of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser (if any)
Richard F. Whitworth
(Type or Print Name)
Signature
19816 GORE MILL RD
FREELAND MD 21053
City State Zipcode

Legal Owner(s)
Prettyboy Tree Farm, Inc.
(Type or Print Name)
Signature
HARRY S. YINGLING III President
P.O. Box 395 Parkton, Md. 21120
(Type or Print Name)
Signature
City Address Phone No. Zipcode
Name Address and phone number of representative to be contacted
HARRY O'NEILL 6 O'NEILL + 6
214 MT. CARMEL RD
PARKTON, MD 21120 328-6741
City Address Phone No. Zipcode

ESTIMATED LENGTH OF HEARING
the following date: [blank] Next Two Months
ALL
REVIEWED BY: R.T. DATE: 4-19-94
ITEM # 395

Joseph W. Shaw
PROFESSIONAL LAND SURVEYOR
P.S.L.S. - FELLOW A.C.S.M. - N.S.P.S.
47 West Pennsylvania Avenue
STEWARTSTOWN, PA 17363
Phone: (717) 963-3108

March 22, 1994

ZONING DESCRIPTION FOR
PRETTY BOY TREE FARM, INC.
SIXTH ELECTION DISTRICT, BALTIMORE CO., MD.

Beginning at a point on the north side of Gores Mill Road, which is fifty (50) feet wide, at a distance of approximately 1150 feet southwest of the centerline of the nearest improved intersecting street, Middletown Road, which is seventy(70) feet wide. As recorded in Deed Liber 8216, folio 456
N 77°30'00"W, 523.55 ft.,
N 21°50'55"E, 383.44 ft.,
N 68°09'105"W, 187.00 ft.,
N 21°50'55"E, 126.97 ft.,
S 75°02'103"E, 396.93 ft.,
S 54°14'30"E, 363.50 ft. and
S 28°15'25"W, 387.97 ft. to the place of Beginning and containing 286,265 sq. ft. or 6.572 acres.



ITEM # 395

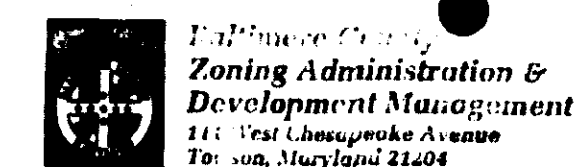
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 6th Date of Posting: 5/12/94
Posted for: Special Hearing
Petitioner: Prettyboy Tree Farm - Richard F. Whitworth
Location of property: N/S Gores Mill Rd. MD 21053 Middletown Rd
Location of Sign: Freeland, Md. Hwy. on property being zoned
Remarks:
Posted by: [Signature] Date of return: 5/12/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 6, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 5, 1994.

THE JEFFERSONIAN,
A. Henderson
LEGAL AD. - TOWSON



Date: 4-19-94
PRETTYBOY TREE FARM, INC. (YINGLING PRES.)
N/S GORES MILL RD, FREELAND, MD, 21053

830 - SPH RES. - \$ 50.00
850 - SIGN - \$ 35.00
TOTAL - \$ 85.00

receipt
94-411-SPH

Account: R 001-4190
Number 395

Please Make Checks Payable To: Baltimore County